

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Denise Carlon, Esquire
KML LAW GROUP, P.C.
701 Market Street, Suite 5000
Philadelphia, PA 19106
Bank of America, N.A.

In Re:

Jason Dyer, debtor
David A. Vallette, co-debtor



Order Filed on December 22, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No: 21-17571 VFP

Chapter: 13

Judge: Vincent F. Papalia

CONSENT ORDER VACATING STAY

The relief set forth on the following pages is hereby **ORDERED**.

DATED: December 22, 2022



Honorable Vincent F. Papalia
United States Bankruptcy Judge

(Page 2)

Debtor: Jason Dyer

Case No: 21-17571 VFP

Caption of Order: CONSENT ORDER VACATING STAY

This matter, having been brought before the Court by Denise Carlon, Esq., KML Law Group, P.C., attorneys for Secured Creditor, Bank of America, N.A., upon a consent order to vacate the automatic stay as to real property known as 425 Barbour Street, North Adams MA 01247, and with the consent of Melinda D. Middlebrooks, Esq., counsel for the Debtor, Jason Dyer.

It is hereby **ORDERED, ADJUDGED** and **DECREED** that the automatic stay as to 425 Barbour Street, North Adams MA 01247 hereby vacated to permit Secured Creditor to institute or resume and prosecute to conclusion one or more actions in the court(s) of appropriate jurisdiction to pursue its rights in 425 Barbour Street, North Adams MA 01247; and

It is further **ORDERED, ADJUDGED** and **DECREED** that such relief is as to the property only, does not extend to any action to establish personal liability of the Debtor under the terms of the note, but does allow Secured Creditor to proceed against Debtor in the state court foreclosure action to the extent required by law in order to obtain title to the subject property; and

It is further **ORDERED, ADJUDGED** and **DECREED** that Secured Creditor, its successors or assigns, may proceed with its rights and remedies under the terms of the subject mortgage and pursue its state court remedies including, but not limited to, taking the property to Sheriff's Sale, in addition to potentially pursuing other loss mitigation alternatives. Additionally, any purchaser of the property at Sheriff's Sale or their assign, may take any legal action for enforcement of its right to possession of the property; and

It is further **ORDERED, ADJUDGED** and **DECREED** that the movant may join the debtor and any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other chapter of the bankruptcy code; and

It is further **ORDERED, ADJUDGED** and **DECREED** that the Movant shall serve this order on the Debtor and Trustee when entered.

(Page 3)

Debtor: Jason Dyer

Case No: 21-17571 VFP

Caption of Order: CONSENT ORDER VACATING STAY

I hereby agree and consent to the above terms and conditions:

Dated: 12/21/2022

/s/ **Denise Carlon**

DENISE CARLON, ESQ., ATTORNEY FOR SECURED
CREDITOR

I hereby agree and consent to the above terms and conditions:

Dated: 12/21/2022

/s/ **Melinda D. Middlebrooks**

MELINDA D. MIDDLEBROOKS, ESQ., ATTORNEY FOR DEBTOR